IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

MFA.No. 1013 of 2002()

IC.96/1993 of EMPLOYEES INSURANCE COURT, ALAPPUZHA
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APPELLANT: OPPOSITE PARTY:

THE REGIONAL DIRECTOR,
E.S.I. CORPORATION, PANCHADEEP BHAVAN,
THRISSUR-20.

BY ADV. SRI.T.V.AJAYAKUMAR

RESPONDENT: APPLICANT:

M/S. SREEKRISHNA TRADING COMPANY,
JEW TOWN, KOCHI-682 002, REPRESENTED BY ITS
PROPRIETOR, K.RAMACHANDRAN.

BY ADV.SRI.A.V.XAVIER.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19/11/2007, ALONG WITH MFA NO. 1057 OF 2002, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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M.F.A.NOs.1013 & 1057 of 2002

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Dated this the 19th day of November, 2007

JUDGMENT

Radhakrishnan, J.

In the light of the decision of the Supreme Court in Civil Appeal No.5215/2006, the matter requires fresh consideration. The Honourable Supreme Court has stated that in a given case, the Committee can be the principal employer. In that case, the Committee was not made a party. In such circumstances, the Apex Court remanded the matter back to the E.I. Court for fresh consideration. We are inclined to follow the same judgment for the disposal of these cases also.

The Insurance Court shall take a fresh decision, after hearing the Committee and all other affected parties, within a period of three months from the date of receipt of a copy of this judgment. The parties can raise all their contentions before the Insurance Court.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

kvs/